



Caitlin McConnel
Farmer & Strategic Legal Advisor

Convergence: Juggling Environmental Responsibility with Economic Ambition

2025 Crawford Fund Annual Conference – 12/08/2025



Language, and the use of accurate terminology is crucial; and

- Caitlin McConnel, Farmer & Lawyer (2024)



Language, and the use of accurate terminology is crucial; **and is the key to understanding why the opportunities and risks associated with climate change mitigation begin, and end, with only two topics:**

- Caitlin McConnel, Farmer & Lawyer (2024)



Language, and the use of accurate terminology is crucial; and is the key to understanding why the opportunities and risks associated with climate change mitigation begin, and end, with only two topics:

- **the rule of law; and**
- **food security.**

- Caitlin McConnel, Farmer & Lawyer (2024)



If the idea that you can lead a modern, high-energy, zero-carbon lifestyle in the city, eating manufactured food that tastes as good as or better than its farmed predecessors,

- Chris Smaje, UK Farmer & Social Scientist (2023)



If the idea that you can lead a modern, high-energy, zero-carbon lifestyle in the city, eating manufactured food that tastes as good as or better than its farmed predecessors, **while protecting wildlife and making room for Indigenous and peasant farmers to follow traditional livelihoods in the countryside sounds too good to be true ...**

- Chris Smaje, UK Farmer & Social Scientist (2023)



If the idea that you can lead a modern, high-energy, zero-carbon lifestyle in the city, eating manufactured food that tastes as good as or better than its farmed predecessors, while protecting wildlife and making room for Indigenous and peasant farmers to follow traditional livelihoods in the countryside sounds too good to be true ... **that's because it is.**

- Chris Smaje, UK Farmer & Social Scientist (2023)



Climate change threatens **human well-being and planetary health.**

The choices made, and actions implemented, in this decade will have impacts both now and for thousands of years.

- *Smith v Fonterra Co-Operative Group Limited*
[2024] NZSC 5 at [15]

Climate Change: Opportunity



Paris Agreement



- Hold the increase in the global temperature average.

Article 2(1)(a) of the Paris Agreement



- Make finance flow consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.

Article 2(1)(c) of the Paris Agreement

Australia's Statutory Approach to Opportunities

Legislation

- *Climate Change Act 2022* (Cth)
- *Nature Repair Act 2023* (Cth)
- Treasury Laws Amendment Bill 2024: Climate-Related Financial Disclosure

Plans & Strategies

- Net Zero 2050 Plan
- Powering Australia Plan
- National Adaptation Plan

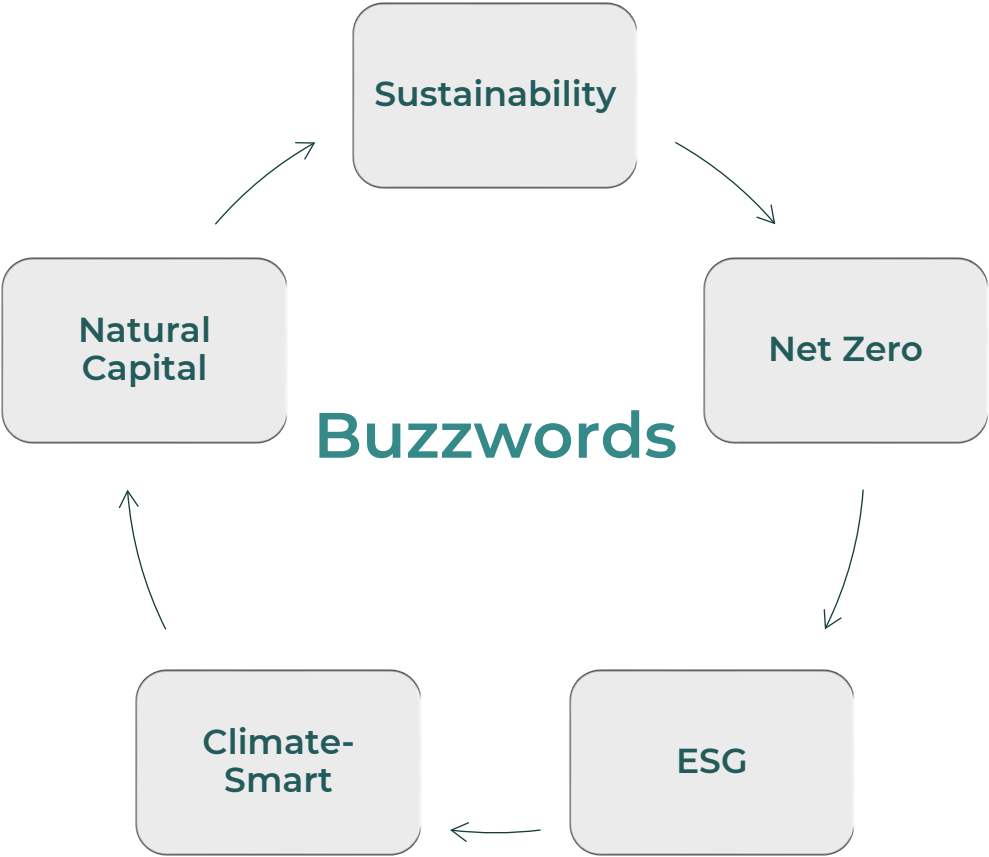
Roadmaps

- Environmental Law Reform Roadmap (2024)

Statements

- Annual Climate Change Statement

Australia's Statutory Approach to Opportunities



Convergence: Climate Litigation



Ecologically Sustainable
Development

Opportunity



Climate
Litigation



Human Rights

Risk

Convergence: Climate Litigation



**Government Framework
Cases**



**Integrating Climate
Considerations Cases**



**Polluter Pays / Failure to
Adapt Cases**



**Transition Risk /
Corporate Framework
Cases**

- Grantham Research Institute on Climate Change and the Environment, June 2025

Climate Change: Risk



Universal Declaration of
Human Rights (1948)



Climate Change: Risk



Universal Declaration of
Human Rights (1948)



'... recognise the **fundamental right of everyone to be free from hunger** ... in a way as to achieve the most **efficient development and utilization of natural resources.**'



*International Covenant on Economic,
Social and Cultural Rights (1966)*

Climate Change: Risk



Universal Declaration of
Human Rights (1948)



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*International Covenant on Economic,
Social and Cultural Rights (1966)*



Human Rights Act 2019 (Qld)

Parliamentary Inquiry into Australia's
Human Rights Framework (May 2024)

Domestic Legislation



Valuing Nature:

How did we get here?



(V)erbal rhetoric ... steeped in
beauty and ethics

- Tony Juniper, Environmental Economist
(2012)



(V)erbal rhetoric ... steeped in beauty and ethics **is impotent against the numerical rhetoric of growth and development.**

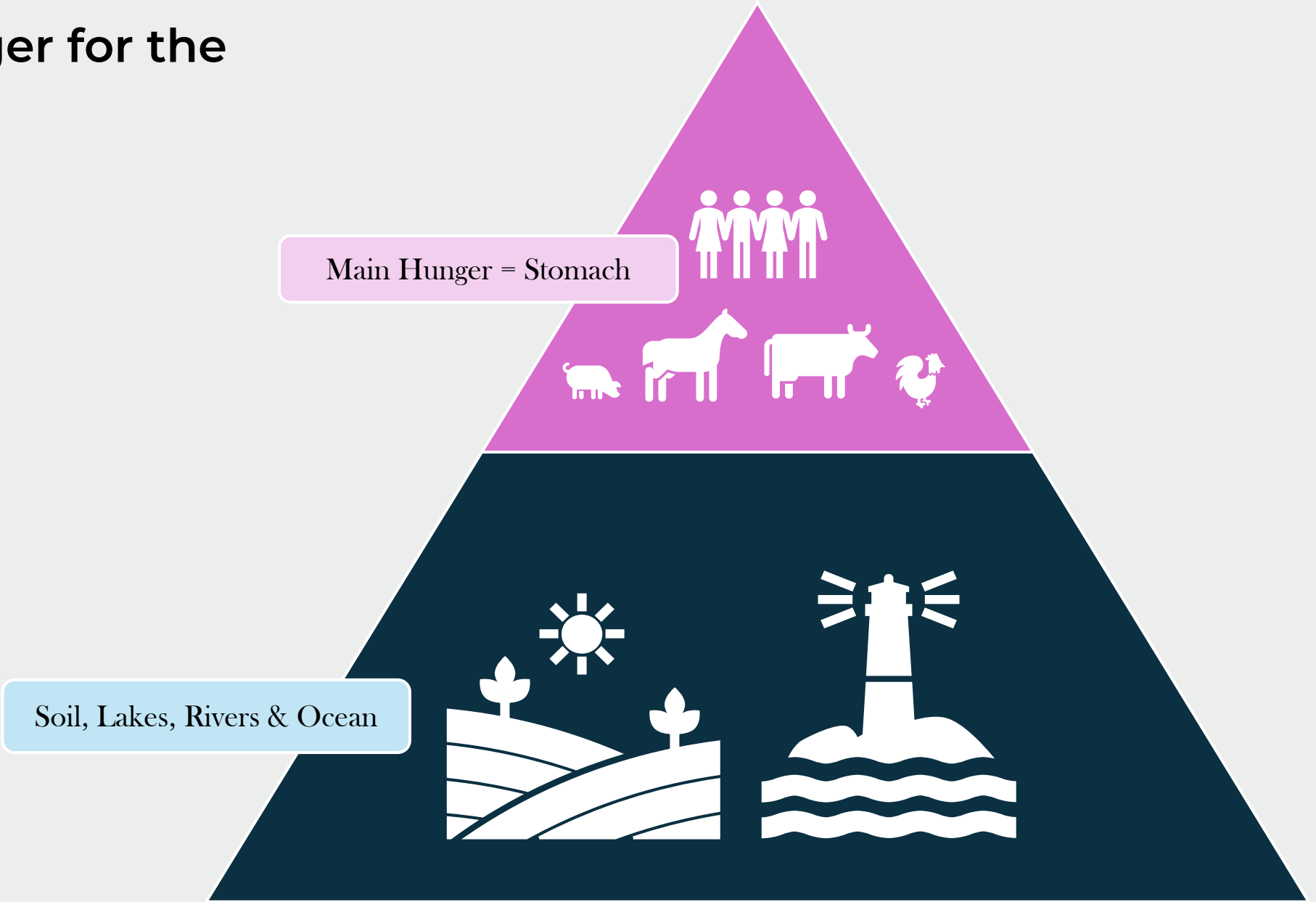
- Tony Juniper, Environmental Economist (2012)

Pre-trade hunger for the environment

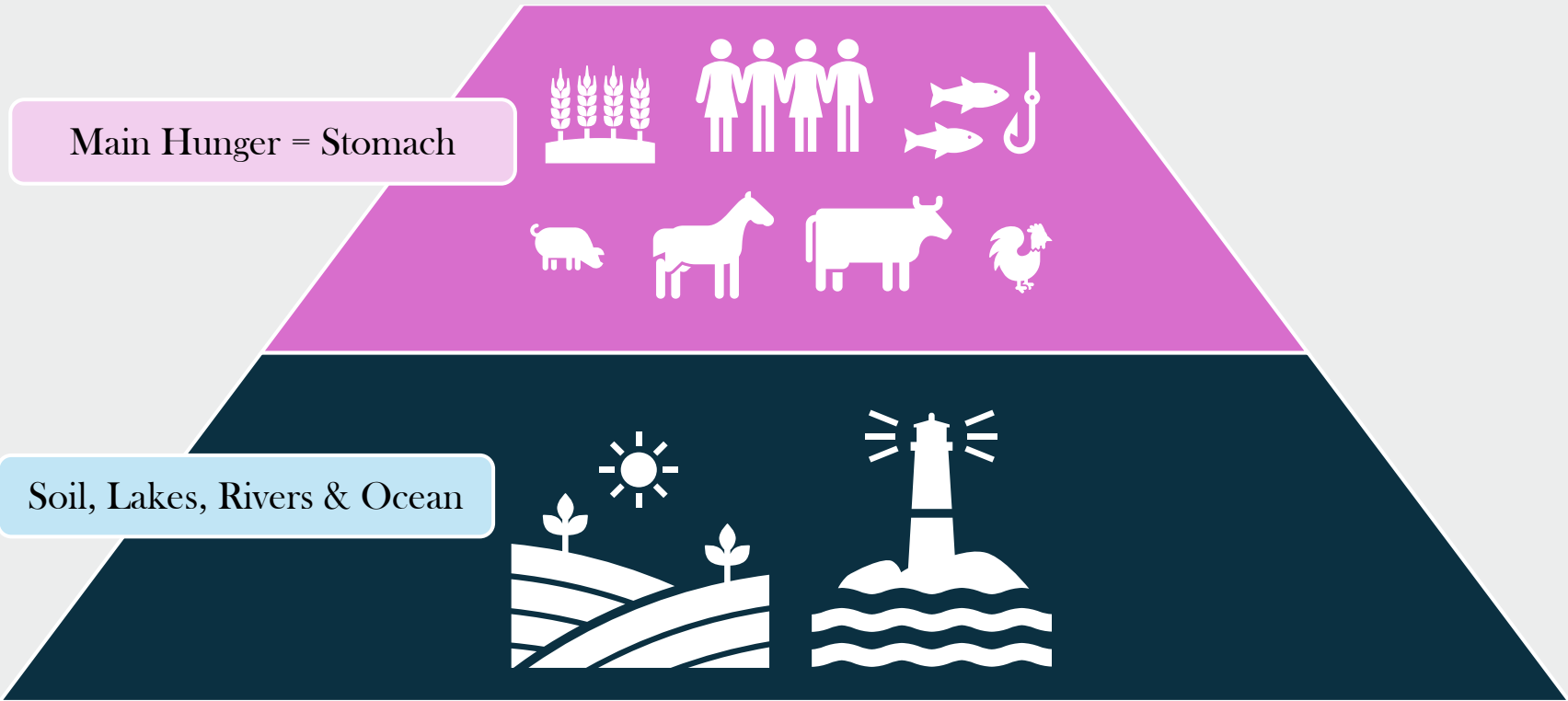
Soil, Lakes, Rivers & Ocean



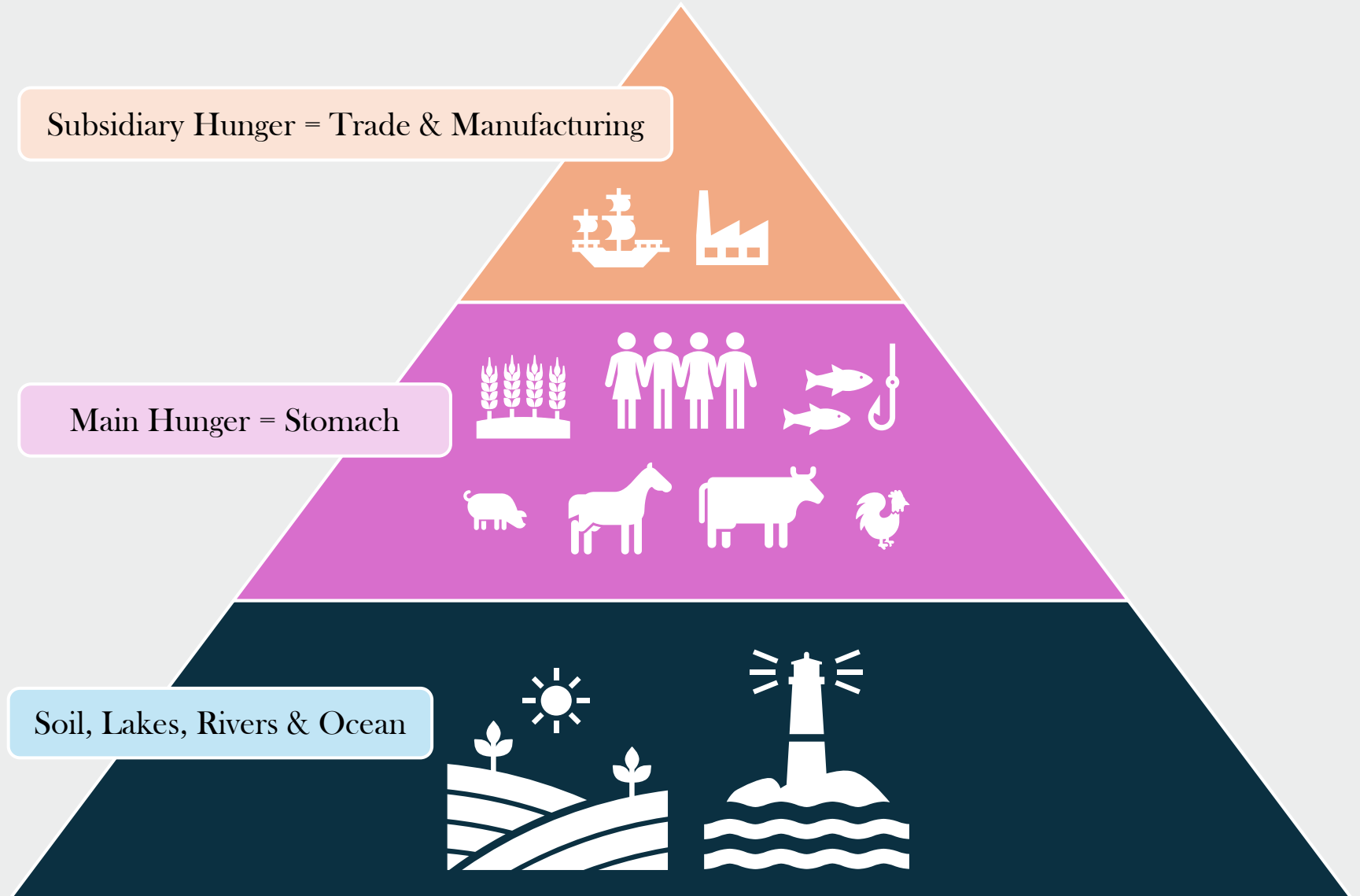
Pre-trade hunger for the environment



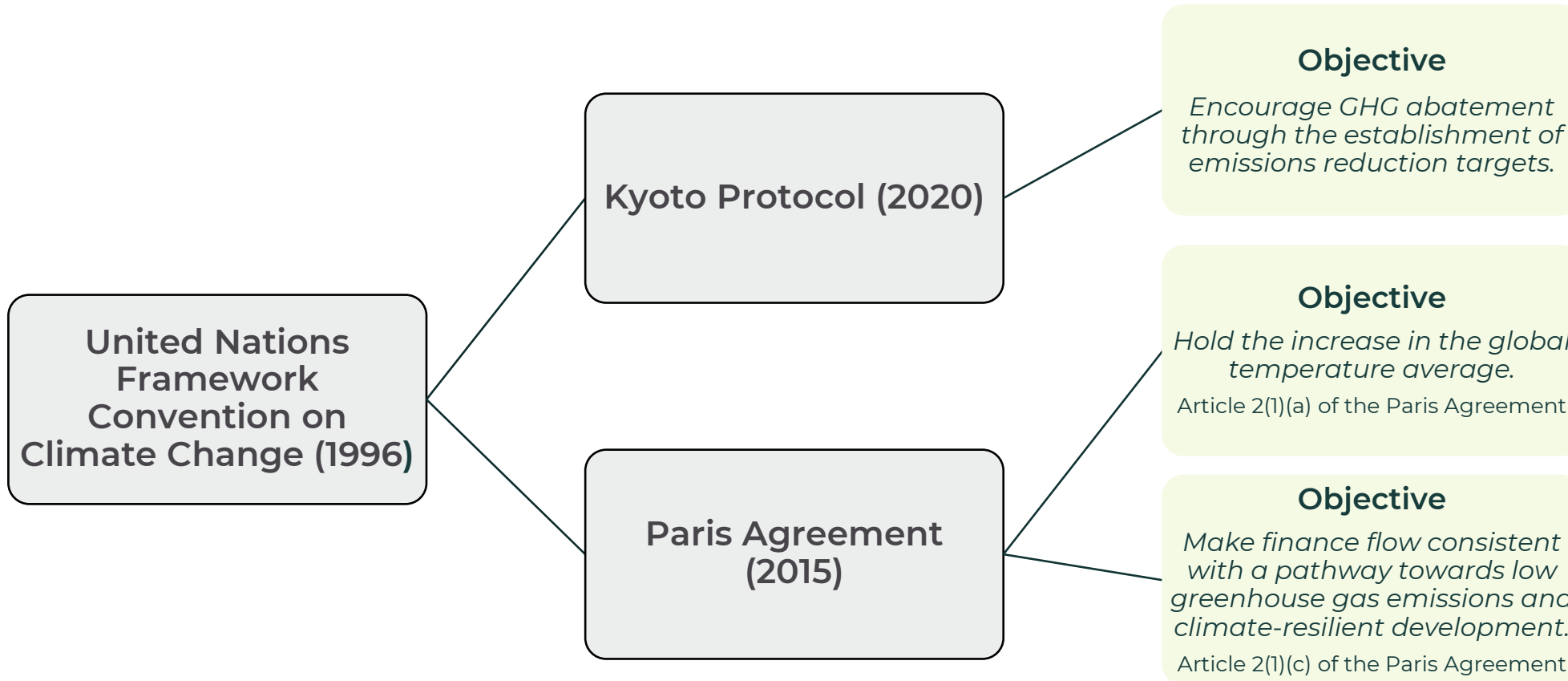
Industrial hunger for the environment



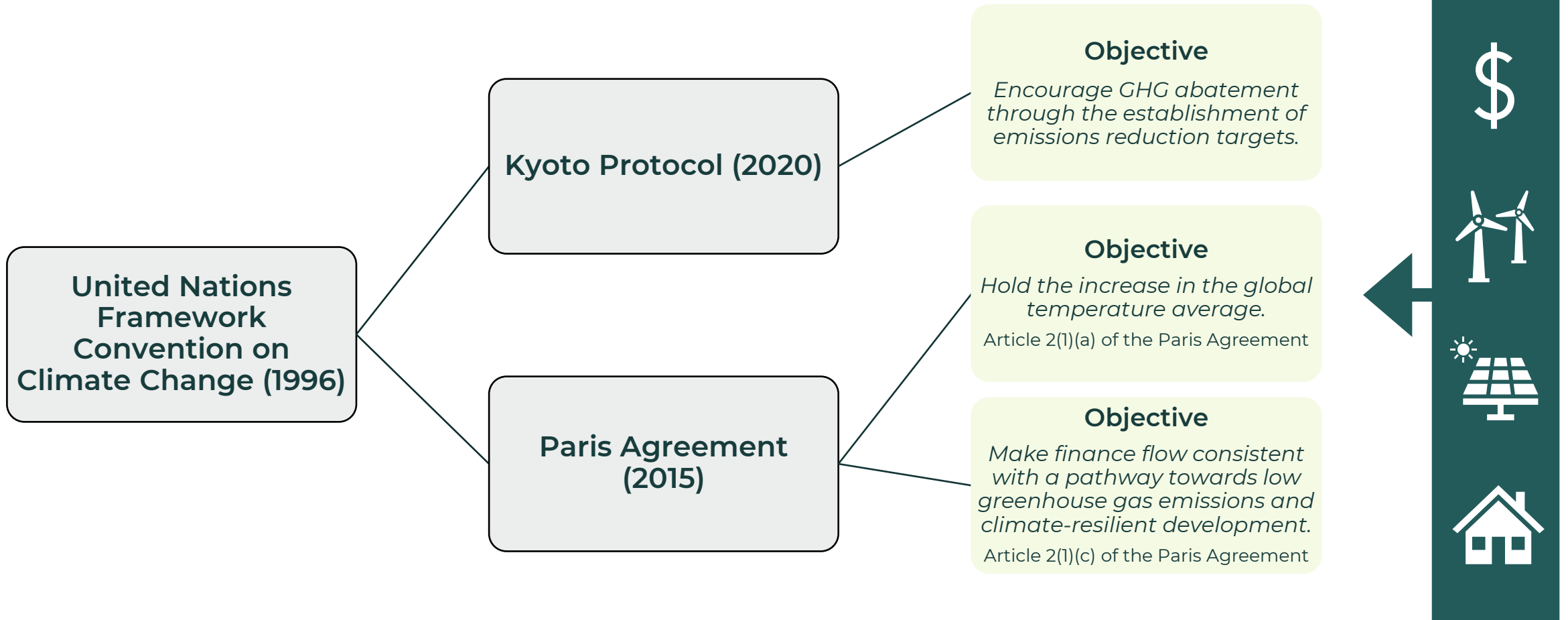
Industrial hunger for the environment



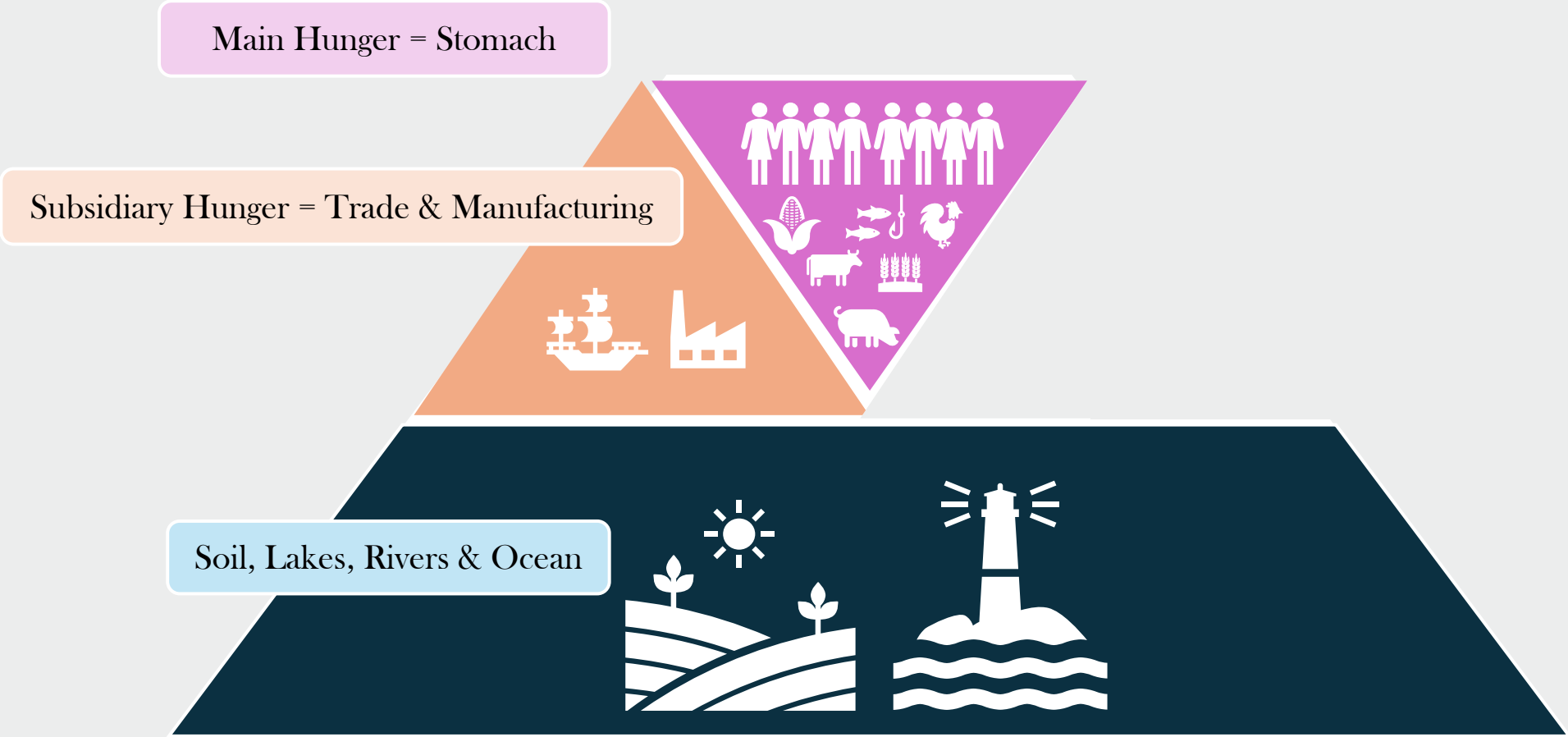
Climate risk mitigation through economic ambition



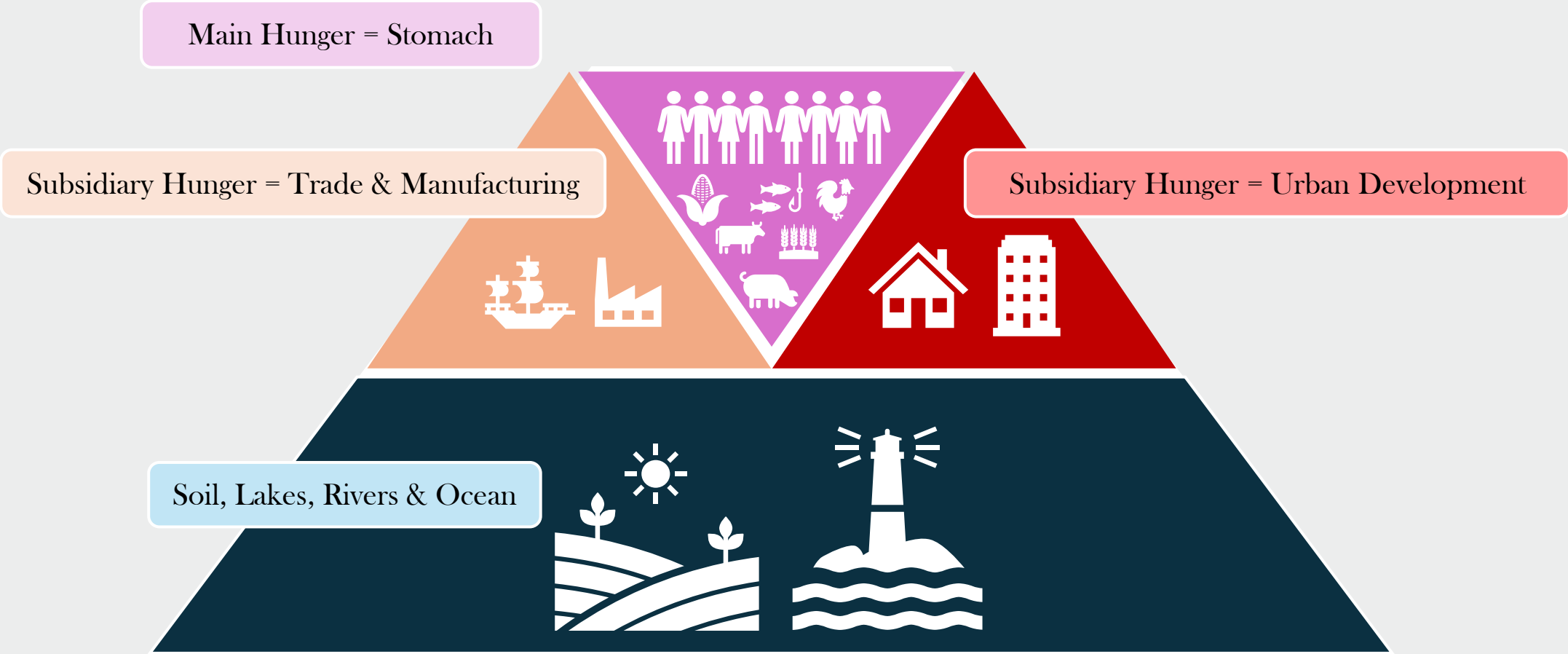
Climate risk mitigation through economic ambition



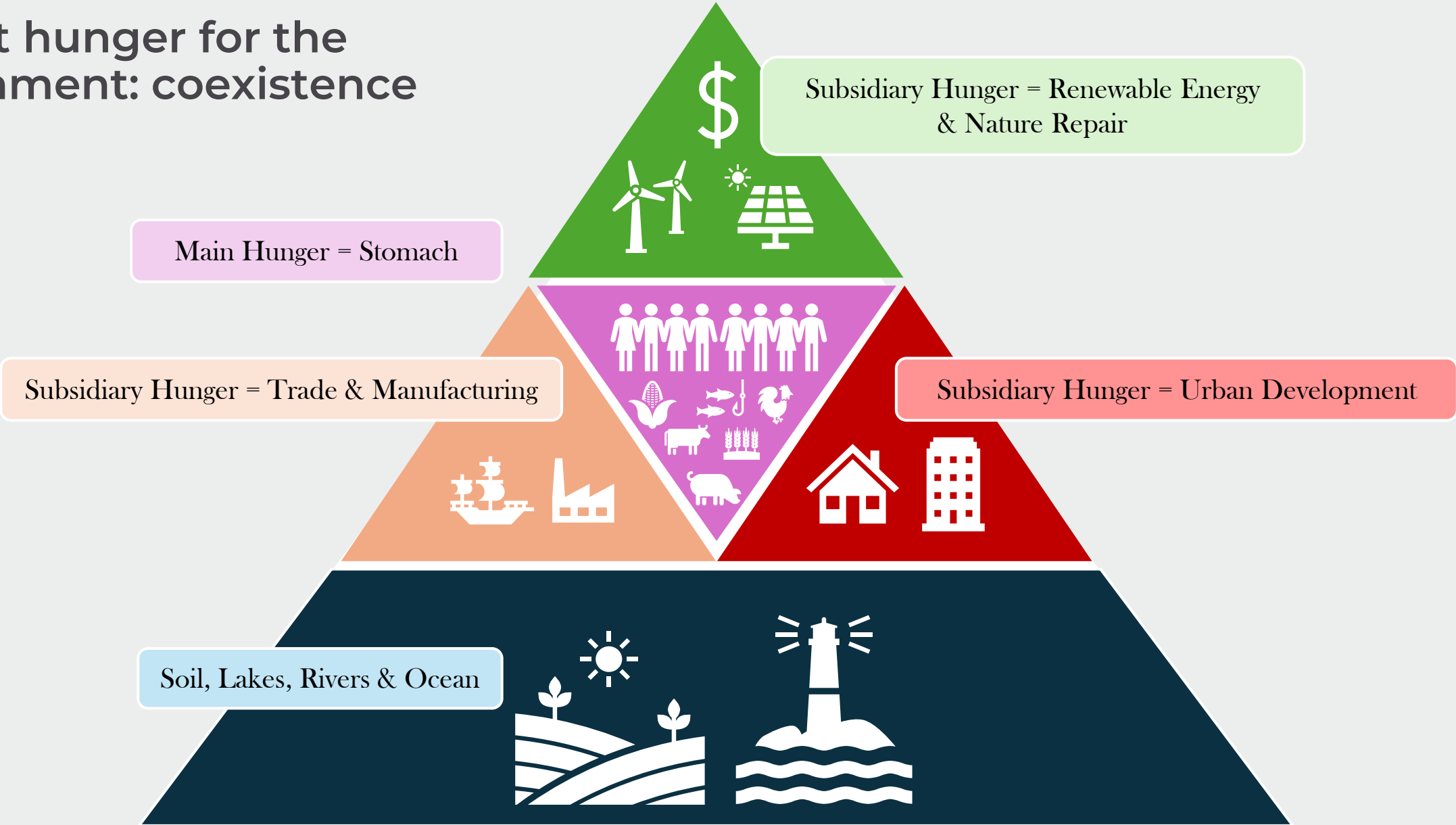
Current hunger for the environment



Current hunger for the environment



Current hunger for the environment: coexistence



UNFCCC & Paris Agreement



Increasing the ability to adapt to the adverse effects of climate change, and foster climate resilience and low greenhouse gas emissions development, in a manner that **does not threaten food production.**

Article 2(1)(b) of the Paris Agreement



UNFCCC & Paris Agreement



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Article 2(1)(b) of the Paris Agreement



Parties should, when taking action to address climate change, respect, promote, and **consider their respective obligations on human rights.**

Recitals – Paris Agreement



UNFCCC & Paris Agreement



Increasing the ability to adapt to the adverse effects of climate change, and foster climate resilience and low greenhouse gas emissions development, in a manner that ***does not threaten food production.***

Article 2(1)(b) of the Paris Agreement



Parties should, when taking action to address climate change, respect, promote, and **consider their respective obligations on human rights.**

Recitals – Paris Agreement



Recognizing the fundamental priority of safeguarding food security and food production systems, whilst noting the importance of ensuring the protection of Mother Earth.

Recitals – Paris Agreement



Sustainable food production systems and **food security** are being **recognized as having an essential role to play** in the solution to existing challenges associated with climate change.

- UN Secretary-General, Antonio Guterres
(September, 2021)

Food Security: A precondition to the human right to food



Availability:

Food should be available from natural resources



Food Security: A precondition to the human right to food



Availability:

Food should be available from natural resources



Accessibility:

Food must be affordable and should meet adequate dietary needs.



Food Security: A precondition to the human right to food



Availability:

Food should be available from natural resources



Accessibility:

Food must be affordable and should meet adequate dietary needs.



Adequacy:

Food must satisfy dietary needs and not contribute to diet-related illness.

A photograph of a farm with solar panels and cows. In the foreground, a large brown cow stands prominently, facing right. To its left, a black cow is partially visible. In the background, several solar panels are mounted on a metal frame, angled towards the sky. The sky is overcast. The overall scene suggests a sustainable farming operation.

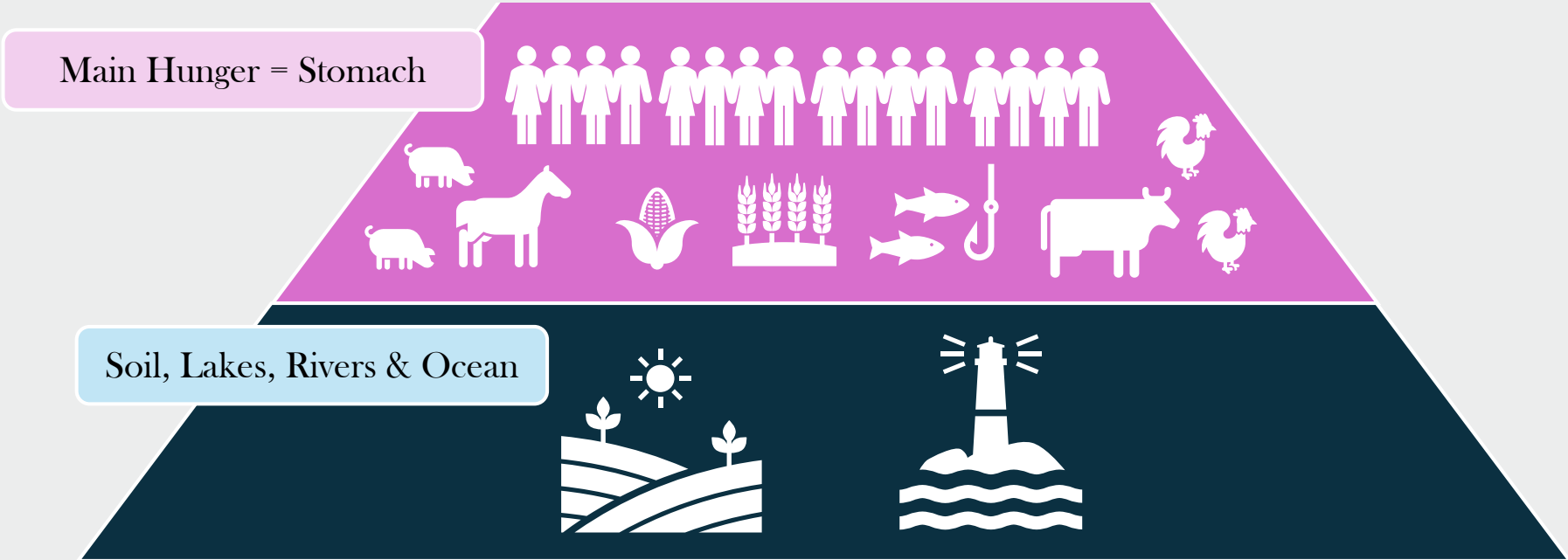
Valuing Nature: Through food security



In order to protect 'natural capital assets' ... we must put value on nature in all its multiple roles in human life, from the **economic to the aesthetic and spiritual.**

- Millenium Ecosystem Assessment Board (2015)

Interdependent hungers for the environment

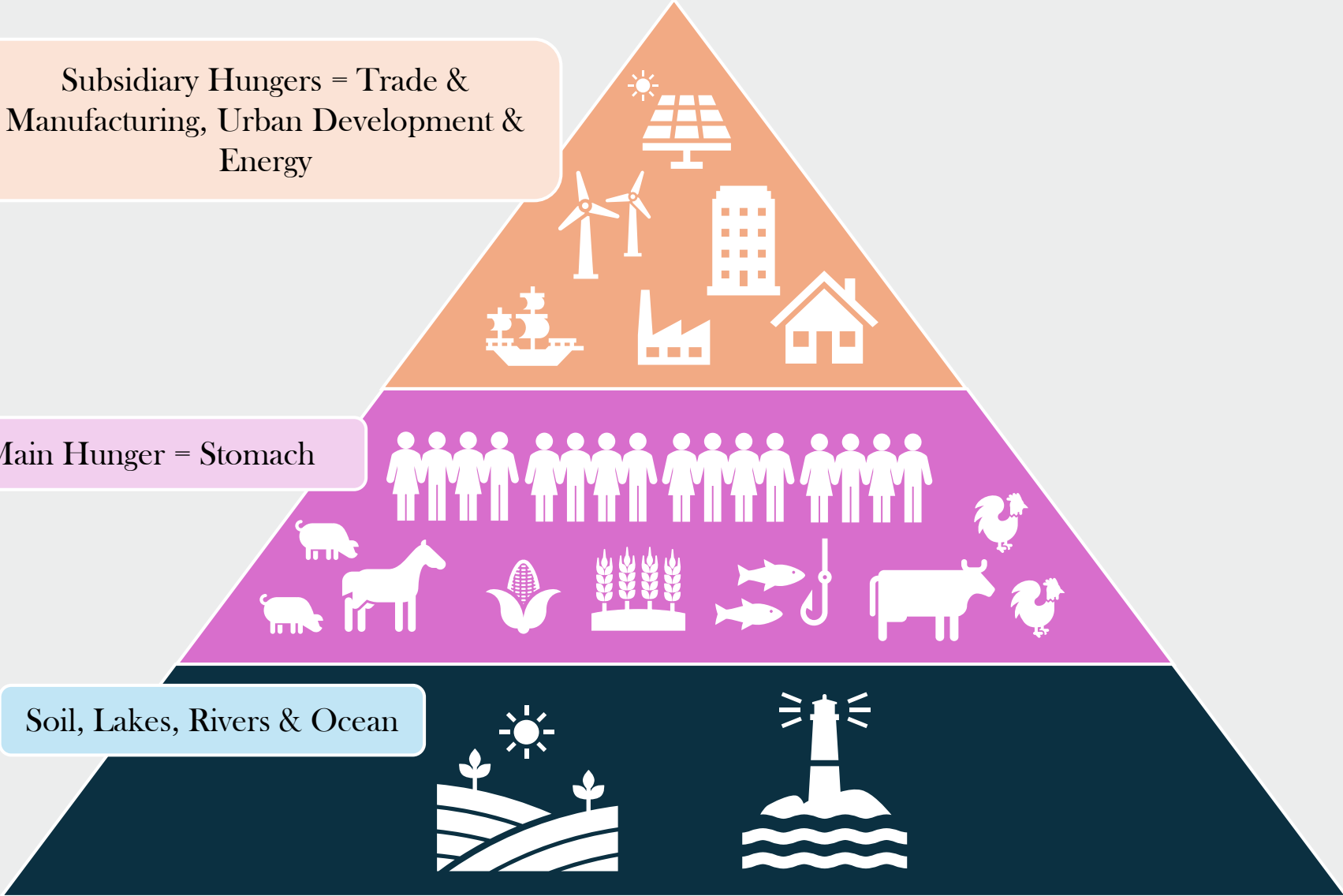


Interdependent hungers for the environment

Subsidiary Hungers = Trade & Manufacturing, Urban Development & Energy

Main Hunger = Stomach

Soil, Lakes, Rivers & Ocean



Environmental responsibility

International Law

Universal Declaration on Human Rights (1948)

International Covenant the International Covenant on Economic,
Social and Cultural Rights (1966)

United Nations Framework Convention on Climate Change (1992)

Convention on Biological Diversity (1992)

Paris Agreement (2015)

2030 Agenda for Sustainable Development (2015)

FOOD SECURITY

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Environmental responsibility



© Caitlin McConnel (2025)

Environmental responsibility

Economic Ambition

International Law

- Universal Declaration on Human Rights (1948)
- International Covenant the International Covenant on Economic, Social and Cultural Rights (1966)
- United Nations Framework Convention on Climate Change (1992)
- Convention on Biological Diversity (1992)
- Paris Agreement (2015)
- 2030 Agenda for Sustainable Development (2015)

Sustainability Pillars

- Economic
- Social
- Environmental

National Strategy for Ecologically Sustainable Development (1992)

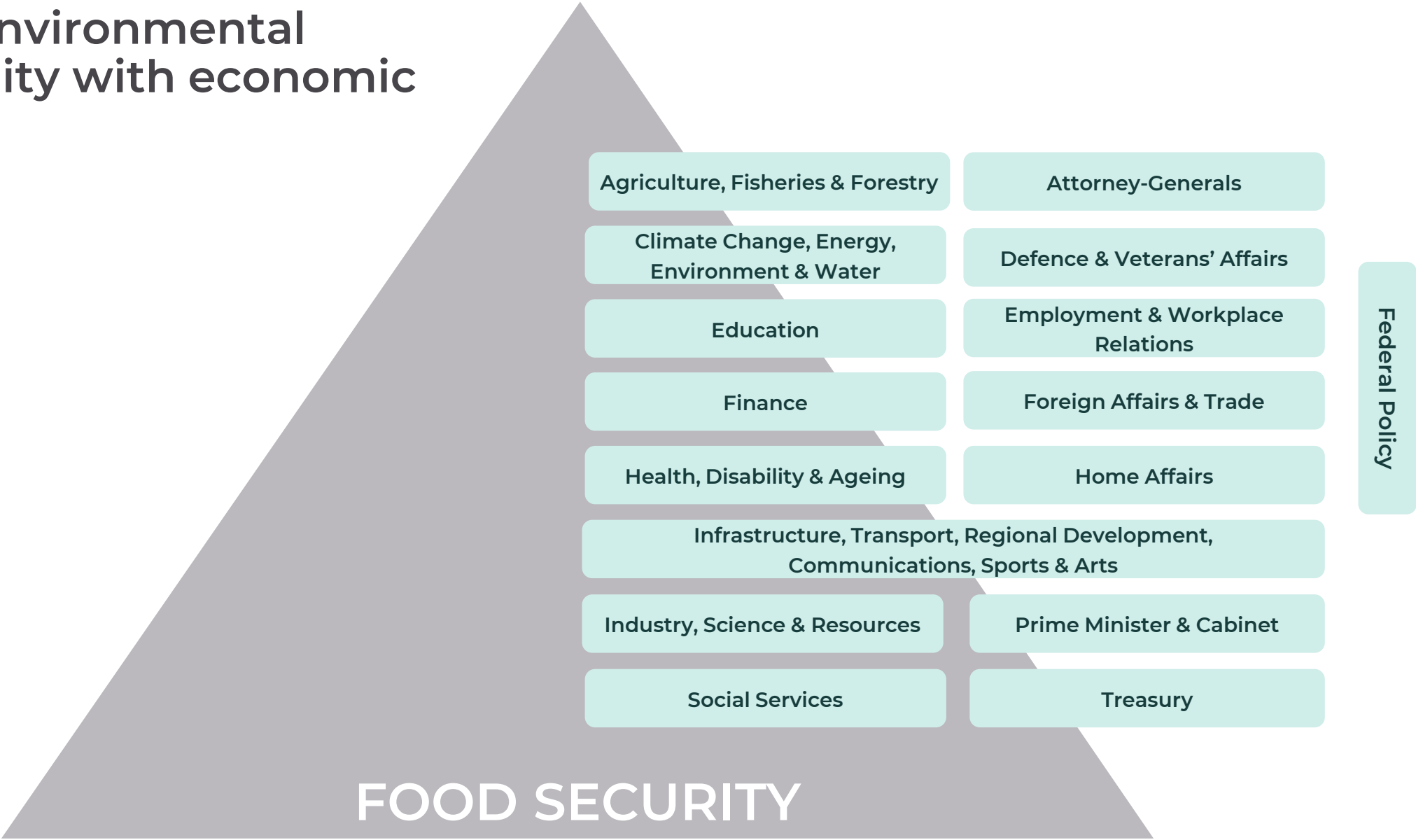
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| Agriculture, Fisheries & Forestry | Attorney-Generals |
| Climate Change, Energy, Environment & Water | Defence & Veterans' Affairs |
| Education | Employment & Workplace Relations |
| Finance | Foreign Affairs & Trade |
| Health, Disability & Ageing | Home Affairs |
| Infrastructure, Transport, Regional Development, Communications, Sports & Arts | |
| Industry, Science & Resources | Prime Minister & Cabinet |
| Social Services | Treasury |

Federal Policy

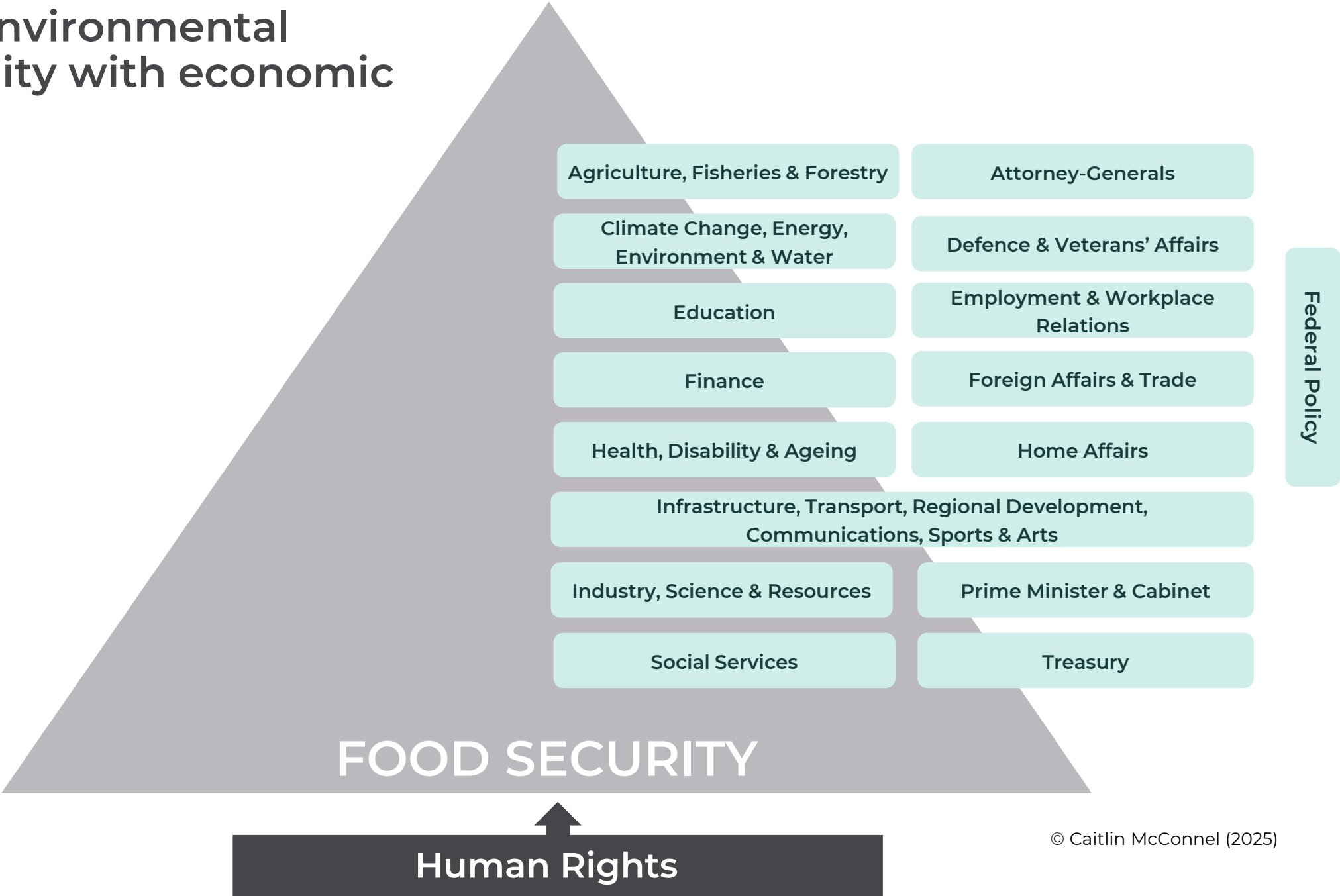
FOOD SECURITY

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Juggling environmental responsibility with economic ambition



Juggling environmental responsibility with economic ambition



UNHCR Guiding Principles on Business & Human Rights (2011)



States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.

Chapter 1, State Duty – Foundational Principle A(1)



UNHCR Guiding Principles on Business & Human Rights (2011)



States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.

Chapter I, State Duty – Foundational Principle A(1)



The **responsibility of business** enterprises **to respect** human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the **International Bill of Human Rights**.

Chapter II, Corporate Responsibility - Foundational Principle A(11)



UNHCR Guiding Principles on Business & Human Rights (2011)



States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.

Chapter I, State Duty – Foundational Principle A(1)



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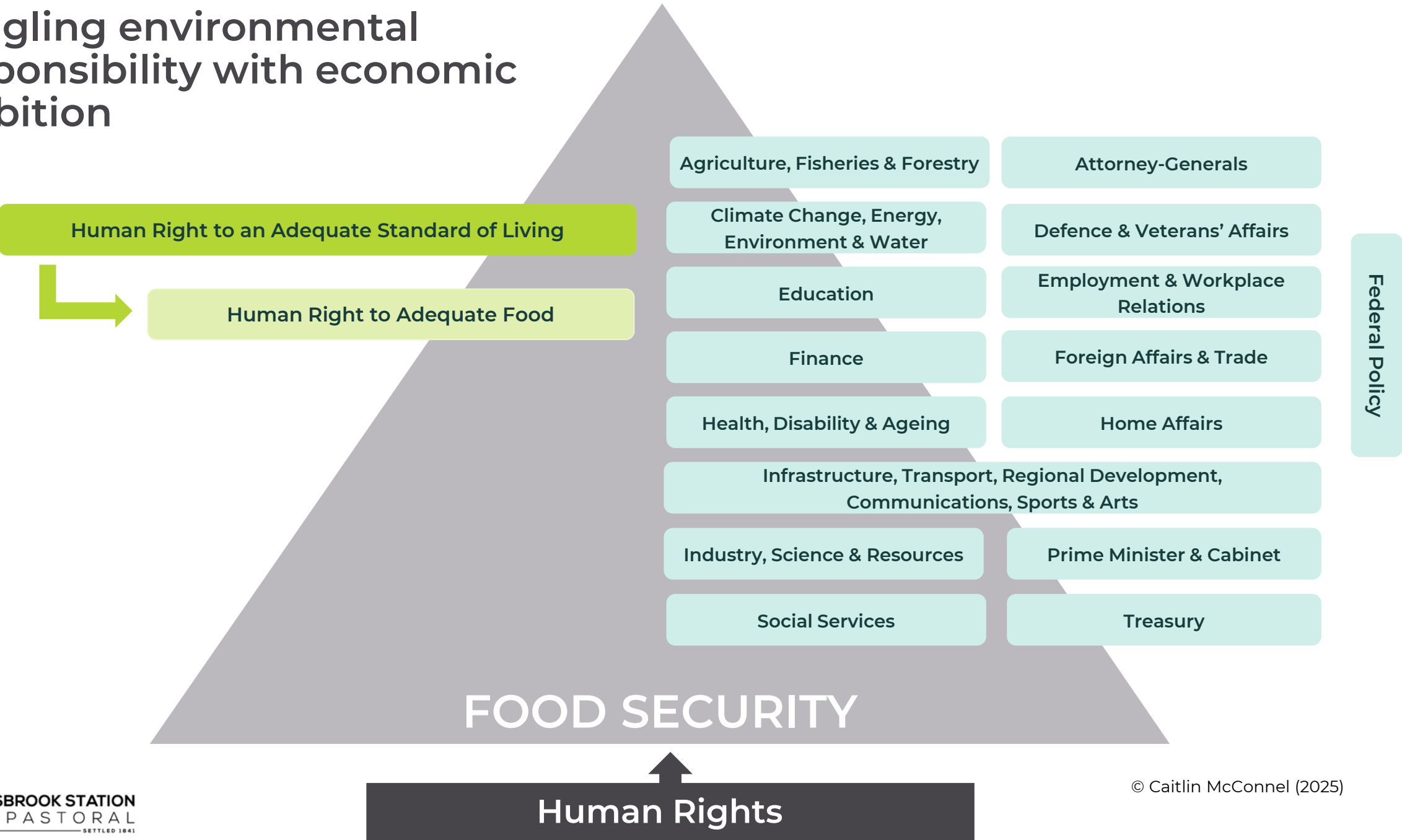
Chapter II, Corporate Responsibility - Foundational Principle A(11)



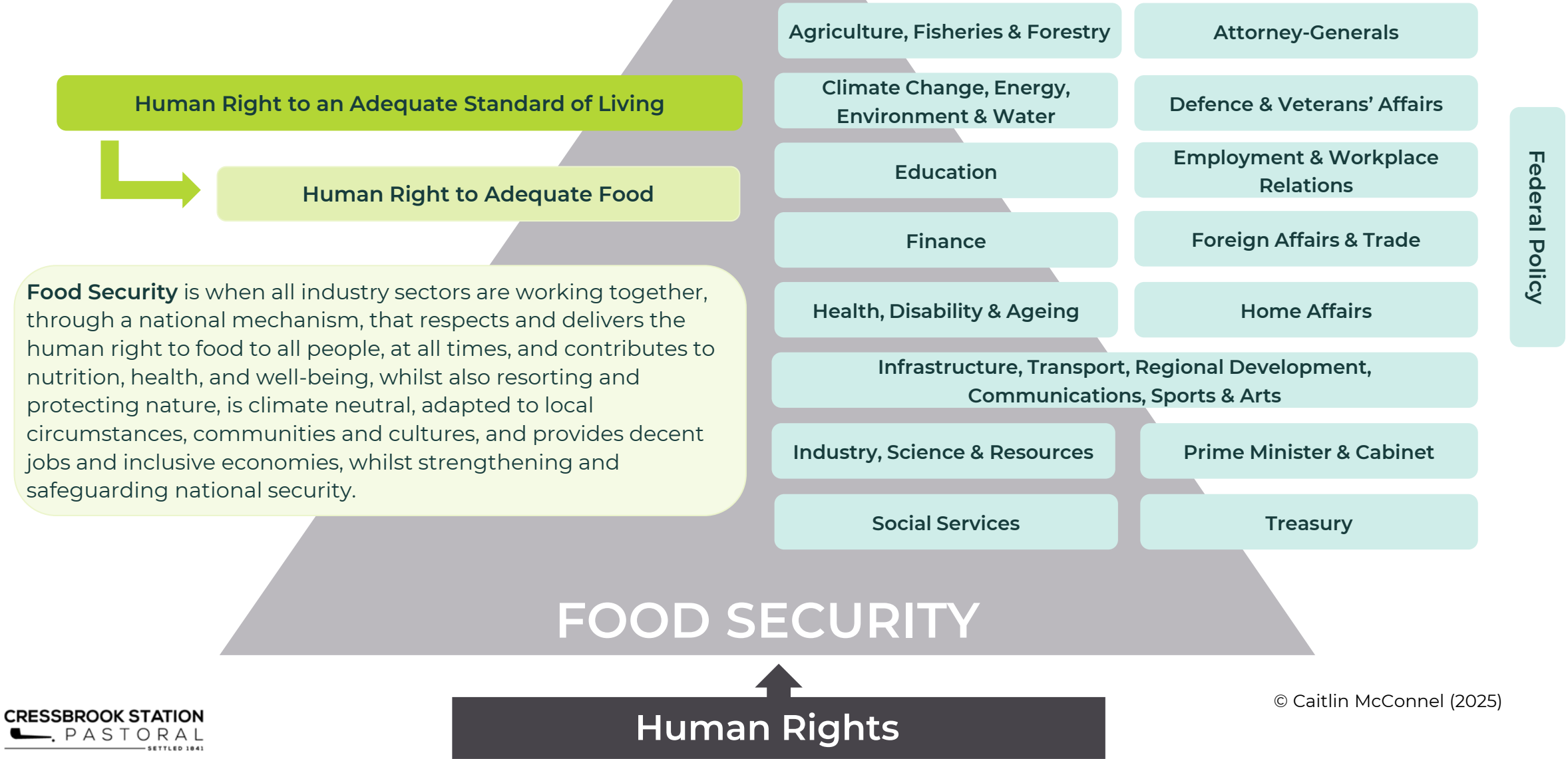
States must take appropriate steps to protect against human rights abuse by **ensuring access to effective judicial, administrative, or legislative remedy**.

Chapter III, Access to Remedy - Foundational Principle A(25)

Juggling environmental responsibility with economic ambition



Juggling environmental responsibility with economic ambition



Case Study: Cressbrook





The right to a clean, healthy and sustainable environment results from the **interdependence between human rights and the protection of the environment.**

- International Court of Justice (2025)



Whilst solving the issue of food security should not be placed solely on the shoulders of primary producers and landholders;

- Caitlin McConnel (2025)



Whilst solving the issue of food security should not be placed solely on the shoulders of primary producers and landholders; **it is clear that in accordance with the strict obligations of international law, we – and the human right to food - must be placed at the core of every economic, social, and environmental decision.**

- Caitlin McConnel (2025)